

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**20-cr-01763 JB**

**vs.**

**DAVID SIMMONS**

**Defendant.**

**UNOPPOSED MOTION TO CONTINUE AUGUST 8, 2023 SENTENCING**

COMES NOW Defendant, by and through counsel, and with no opposition by AUSA Katherine Lewis, and moves the Court for an Order vacating the August 8, 2023 sentencing and re-setting the hearing in October 2023. As grounds, therefore, Defendant states:

1. Mr. Simmons was charged by Indictment with Possession with Intent to Distribute a Mixture and Substance Containing a Detectable Amount of Methamphetamine in violation of 21 U.S.C §§ 841(a)(1) and (b)(1)(B). [Doc 2].
2. He was arrested on October 15, 2020. He pled not guilty on October 20, 2020 [Doc 5] and waived his right to a detention hearing. [Doc 13].
3. Mr. Simmons entered a plea on August 18, 2021. [Doc 29].
4. He was released on conditions of release on the same date. [Doc 33].
5. A warrant was issued for Mr. Simmons' arrest. He was arrested on April 20, 2022 [Doc 40] and remains in custody. He is housed in Torrance County.
6. The Pre-Sentence Report was filed on August 25, 2022. [Doc 41].
7. Defendant and counsel need additional time to continue preparing for sentencing. He

is continuing gathering information to present as mitigation information. He needs additional time to finalize his Sentencing Memorandum in corroboration with counsel.

8. AUSA Katherine Lewis substituted as counsel for the Government on April 13, 2023.
9. Defendant would like to have more time to speak to AUSA Lewis to discuss the nuances of the case and information particular to Defendant.
10. Defendant respectfully requests that the sentencing be moved to October 2023.
11. AUSA Katherine Lewis does not oppose the request.

WHEREFORE, Mr. Simmons, by and through undersigned counsel, respectfully requests that this Court continue the sentencing as set forth above.

Respectfully Submitted,

/s/ M Naomi Salazar  
M. Naomi Salazar  
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#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 31st day of July, 2023, I filed the foregoing electronically through the CM/ECF system, which caused the following counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Katherine.Lewis@usdoj.gov.

/s/ M Naomi Salazar  
Attorney for Defendant  
David Simmons